

SENATE BILL REPORT

SB 6220

As Reported by Senate Committee On:
Energy, Natural Resources & Marine Waters, January 30, 2012

Title: An act relating to modifying the effective date of RCW 19.122.130 from 2011's underground utility damage prevention act

Brief Description: Regarding the effective date of RCW 19.122.130, from the underground utility damage prevention act.

Sponsors: Senators Nelson, Ranker, Rolfes and Honeyford; by request of Utilities & Transportation Commission.

Brief History:

Committee Activity: Energy, Natural Resources & Marine Waters: 1/25/12, 1/30/12 [DP].

SENATE COMMITTEE ON ENERGY, NATURAL RESOURCES & MARINE WATERS

Majority Report: Do pass.

Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin, Ranking Minority Member; Morton, Ranking Minority Member; Fraser, Hargrove, Stevens and Swecker.

Staff: Angeline Thomas (786-7470)

Background: During the 2011 session, the Legislature approved and the Governor signed the Underground Utility Damage Prevention Act (E2SHB-1634) into law. It was the first significant update of the Call Before You Dig Law since it was enacted in 1984. This law made the following changes:

- clarified the responsibilities of persons who own underground facilities and those who dig near those facilities;
- established a stakeholder group to advise on improving public and worker safety and review potential violations of law;
- provided for the Utilities and Transportation Commission (UTC) or the Office of the Attorney General to enforce violations of the law;
- required that facility operators and excavators report damage to underground utilities to the UTC; and
- established a damage prevention account to pay for training to improve public and work safety funded by penalties paid to the UTC.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The law becomes effective January 1, 2013.

Summary of Bill: The effective date of the Underground Utility Damage Prevention Act is modified to allow the following activities to occur prior to the January 1, 2013 effective date:

- the UTC may enter into a contract with a nonprofit entity which establishes a safety committee;
- the nonprofit entity may appoint members to the safety committee;
- the safety committee may organize itself and establish any by-laws necessary to do its work; and
- the safety committee may advise the UTC, as needed, on best practices and training to prevent damage to underground utilities, and policies to enhance worker and public safety.

Additionally, the following activities cannot occur until after January 1, 2013:

- the safety committee may review complaints of alleged violations related to underground facilities; and
- upon a finding of a likely violation(s), provide written notification to the UTC with recommended remedial action.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is a cleanup to last year's bill; to allow for entrance into a contract with a non-profit to create a safety committee prior to the January 1, 2013, effective date. Last year's bill makes the safety committee effective the same day as the act; this is impractical. All stakeholders support this. Safety is a top priority.

Persons Testifying: PRO: Nancy Atwood, Puget Sound Energy; Christine Brewer, Avista; Ann Rendahl, UTC.